

**Brookline Board of Appeals
January 21, 2016, 7:00 PM
Public Hearing**

**333 Washington Street
6th Floor Selectmen's Hearing Room**

Board Members Present: Mark Zuroff (Chair), Kate Poverman, Avi Liss

Staff Present: Michael Yanovitch (Building Department), Polly Selkoe & Jay Rosa (Planning Department)

195 Winthrop Road

Proposal: Construct a parking area and retaining walls at the rear

Zoning District: M-1.5 (Apartment House)

Precinct: 12

Board Decision: Continuance request granted to **March 31, 2016**

16 Eliot Crescent

Proposal: Construct two shed dormers at the third story

Zoning District: T-5 (Two-Family and Attached Single-Family)

Precinct: 14

Board Decision: Relief request **granted**, subject to conditions

160 Bellingham Road

Proposal: Reconstruct second story and expand living space

Zoning District: S-10 (Single-Family)

Precinct: 16

Board Decision: Relief request **granted**, subject to conditions

384 Harvard Street (Temple KI)

Proposal: Construct an addition at the side of an existing temple

Zoning District: M-1.0 (Apartment House)

Precinct: 9

Board Decision: Board finding under the Dover Amendment (M.G.L. c.40A, Section 3) that special permit relief is not required

Minutes shall be posted on the Town of Brookline website (<http://www.brooklinema.gov/564/Zoning-Board-of-Appeals>) upon approval. Draft minutes shall be made available upon request.

Decisions shall be posted on the Town of Brookline website (www.brooklinema.gov). Appeals, if any, shall be filed with land court or superior court within twenty days after the date of filing of such notice in the office of the town clerk.

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7:00PM

195 Winthrop Road – Construct a parking area and retaining walls at the rear

Board Chairman Mark Zuroff opened the hearing and called case #2015-0030. Mr. Zuroff reviewed standard hearing procedure.

The Petitioner's Attorney, Bailey Gaffney of the Law Office of Robert Allen located at 300 Washington Street, waived the reading of public hearing notice for the record and stated that she is requesting a case continuance without establishing a date certain to open the hearing on this matter. Ms. Gaffney stated that the Petitioner worked closely with the Planning Board and the Building Department to establish a rear parking plan that is sufficient for two adjacent properties. Ms. Gaffney stated that this goal requires collaboration between abutting residents in order to establish an easement, improve the feasibility of engineering, and determine the most appropriate strategy to finance this scale of work.

Board Chairman Zuroff requested that Zoning Coordinator Jay Rosa opine on the Petitioner's request. Mr. Rosa stated that standard practice requires a Petitioner to establish a date certain. Mr. Rosa stated that public notice procedures would be followed in accordance with M.G.L c.40A if the Board does not establish a date certain. Mr. Rosa stated that March 31, 2016 is the latest available date that is feasible for a continuance date for this matter.

The Board agreed that a date certain for this continuance should be established and recommended March 31, 2016 as suggested by Mr. Rosa.

Ms. Gaffney agreed with this request and also requested that abutter notice should be distributed prior to that hearing date, and cost associated with that notice would be at the expense of the Petitioner.

Unanimous Board grant of continuance request to March 31, 2016.

16 Eliot Crescent – Construct two shed dormers at the third story

Board Chairman Zuroff called case #2015-0076 and reviewed standard hearing procedure.

Elpida Peristeropoulou and Chris Triana of Heresko Associates waive the reading of public hearing notice for the record and stated that they are presenting on behalf of the Petitioner Ikbal Khan. Ms.

Peristeropoulou stated that she is seeking special permit relief for a front-yard setback in order to construct two shed dormers for an existing two-family dwelling. This modification is intended to improve the functionality of the third floor by provide additional living space and headroom. Ms. Peristeropoulou stated that the shed dormers will have little to no impact on abutting residents and the overall design is appropriate for this particular structure as well as the wider neighborhood. Ms. Peristeropoulou also stated that the petitioner intends to install planting features along Eliot Crescent and White Avenue to create a “courtyard” style entry and to serve as counterbalancing amenity for the requested setback relief.

Board Chairman Zuroff questioned if the Petitioner discussed this shed dormer proposal with abutting residents. Ms. Peristeropoulou stated that she has heard no opposition to this proposal and stated that no abutting residents spoke in opposition to the project at the Planning Board public meeting.

The Board had no further questions and Chairman Zuroff called for public comment in favor of, or in opposition to the Petitioner’s proposal.

No members of the public commented.

Board Chairman Zuroff requested that Jay Rosa review the findings of the Planning Board. Mr. Rosa stated that the Planning Board unanimously supported the proposed shed dormer facing White Avenue. Mr. Rosa noted that the dormer does not extend beyond the existing façade of the structure and the 20-foot passageway provides a significant buffer between the subject property and the adjacent property at 12 Eliot Crescent. In general the Board felt that requested relief was minimal and the shed dormer design is consistent with the existing structure. Therefore, the Planning Board recommended approval of the special permit relief per the plans by Hresko Associates, dated 1/7/16, and site plan by Thomas Bernardi, dated 10/26/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit three copies of the final site plan, elevations and floor plans, subject to the review of the Assistant Director for Regulatory Planning or designee.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision:
1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations and floor plans stamped and signed by a registered engineer or architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Board Chairman Zuroff requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department also has no objection to the relief as requested. Mr. Yanovitch stated that the Petitioner and the Building Department initially believed that the project complied with zoning regulations but ultimately determined that the yard facing White Avenue is defined as a front yard and all setback measurements are calculated from the edge of the “way” rather than the property line that extends

into that private way. Mr. Yanovitch noted that the front facing staircase will also be improved in order to comply with building codes. Mr. Yanovitch confirmed that this front staircase also requires front-yard setback relief. Mr. Yanovitch concluded by stating that the Building Department will work with the Petitioner to ensure compliance with all imposed conditions and building codes if the Board determines that the proposal meets the standards for the grant of a special permit.

Board Deliberation

Board Member Poverman believed the proposal and required relief to be straightforward and would generate minimal impact on surrounding residents. Ms. Poverman stated that she has no objection to the relief as requested.

Board Member Liss concurred with these comments and further stated that The pre-existing non-conforming front-yard setback is not further exacerbated. Mr. Liss believed that the proposal satisfies all standards for the grant of special permit relief in accordance with Zoning By-Law Sections 9.05 and 5.43.

Board Chairman Zuroff concurred and noted that provided counterbalancing amenities are appropriate for the setback relief that is requested. Mr. Zuroff was also satisfied that necessary standards for the grant of a special permit have been met.

Unanimous Board grant of requested relief, subject to conditions included in the record.

160 Bellingham Road – Construct a second story and expand living space

Board Chairman Zuroff called case #2015-0058 and reviewed standard hearing procedure.

The Petitioner's Attorney Robert Allen, of the Law Office of Robert Allen located at 300 Washington Street, waived the reading of public hearing notice for the record and introduced property owner Edward Androsenko.

Attorney Allen stated that the subject property is located in an S-10 single-family district. Attorney Allen stated that Mr. Androsenko purchased the home knowing that the roof condition was poor due to winter snow damage. Upon purchasing the property and conducting an engineering review, it was determined that the roof is structural unsafe and was removed. Attorney Allen noted that a letter detailing the roof condition was submitted by a registered engineer.

Attorney Allen stated that the Petitioner now requests to rebuild the second story and minimally increase the overall height in order to improve the functionality of the upper floor. Attorney Allen confirmed that the Preservation Commission determined that the structure is not historically significant and therefore permitted the roof demolition. Attorney Allen stated that the Building Department does not consider this proposal to be an attic conversion, which would allow the petitioner to increase the gross floor area to 150% of that allowed by-right, because the "attic" has already been demolished. The Building Department interprets this proposal to be an exterior addition and therefore that same 150% provision is not provided.

Attorney Allen further stated that the Planning Board unanimously supported this proposed reconstruction of the second story, there is widespread neighborhood support for the project, the ranch style and small two story design is consistent with the existing neighborhood, and the resulting gross floor area does not “overwhelm” the lot.

Attorney Allen confirmed that this proposal requires variance relief but M.G.L c.40A, Section 6 permits the alteration or extension of pre-existing non-conformities via special permit if the Board of Appeals finds that the proposal will not result in “substantial detriment” to the neighborhood. Attorney Allen stated that recent case law provides this protection specifically for single and two-family dwellings.

Attorney Allen stated that the Petitioner is requesting to minimally extend the pre-existing non-conforming floor area ratio (FAR) in a manner that does not alter the existing footprint of the structure. Attorney Allen confirmed that no new zoning non-conformities will be triggered and the proposal presents no detriment to the neighborhood as evident by submitted neighborhood support letters.

Attorney Allen requested that the Board make a Section 6 finding of no substantial detriment and grant the requested floor area increase by special permit. Attorney Allen believed that this proposal satisfies the local standards for special permit relief in accordance with Zoning By-Law Section 9.05 because:

- The specific site is an appropriate location for such a use, structure, or condition
- The use as developed will not adversely affect the neighborhood
- There will be no nuisance or serious hazard to vehicles or pedestrians
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use
- The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people

Attorney Allen further stated that the improved structure would enhance the taxable asset and preserves a structure that is relatively affordable.

Board Chairman Zuroff requested that Michael Yanovitch opine on the Petitioners request, specifically the applicability of the Section 6 finding.

Mr. Yanovitch stated that similar FAR requests will continue to arise. Mr. Yanovitch stated that the Town could attempt to codify language in the Zoning By-Law to mirror the Section 6 intent but currently the Town is reliant upon the state statute and case law on this matter. Mr. Yanovitch confirmed that generally accepted case law is clear that protection is provided to single and two-family dwellings to expand pre-existing non-conformities through a special permit evaluation rather than a variance if no new zoning non-conformities arise from the proposed alterations.

The Board had no further questions and called for any public comment in favor of, or in opposition to the Petitioner’s proposal.

Stanley Robinowitz stated that he is a long-time Town Meeting Member and is friends with the 160 Bellingham Road property owner. Mr. Robinowitz stated that the proposed reconstruction is beneficial to both the property owner and the wider neighborhood. Mr. Robinowitz believed the Section 6 finding to be appropriate in this instance and he appreciated the Board's review of this proposal.

Saralynn Allaire stated that she is a Precinct 16 Town Meeting Member and a direct abutter to the 160 Bellingham property. Ms. Allaire expressed concern that large homes have been constructed in the neighborhood and asked the Board to consider the impact that the proposed increase in height may have on abutting residents.

Board Chairman Zuroff requested that Jay Rosa review the findings of the Planning Board. Mr. Rosa stated that the Planning Board unanimously supported this proposed expansion of the second story. Board Members compared the proposal to an attic conversion even though the attic was demolished for structural reasons. The Board also noted that the subject property is undersized for the S-10 district. Board Members did feel that the roof design could be modified to further reduce the gross floor area but this strategy would not necessarily eliminate the need for variance relief.

Therefore, the Planning Board recommends approval of the plans by Professional Engineer Richard Volkin of RAV Design dated 6/12/2015 and revised 11/23/15, and the site plan by Professional Land Surveyor George C. Collins of Boston Survey Inc., dated 12/18/15, as submitted. The Planning Board supports the requested side yard setback relief and, should the Board of Appeals find that the project meets the criteria for granting a variance, the Planning Board would support an increase in the FAR, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans subject to the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, screening the left side yard, subject to the review and approval of the Assistant Director for Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision:
1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans and elevations stamped and signed by a registered architect; 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa noted that he referenced side-yard setback relief that also represents a pre-existing non-conformity that will not be altered but rather extend in height.

Attorney Allen also confirmed that the Petitioner has agreed to landscaping improvements based on the Planning Board recommendation.

Board Chairman Zuroff requested that Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department also has no objection to the relief as requested. Mr. Yanovitch believed that the proposal warrants consideration by the Board for a Section 6 finding. Mr. Yanovitch confirmed that prior roof demolition defines this project as an exterior addition rather than an attic conversion and therefore precludes the Petitioner from expanding the floor area to 150% of the allowed for this single-family district. Mr. Yanovitch also noted that the Board is often sympathetic to proposals that include an expansion of pre-existing non-conforming FAR if proposed alterations do not alter the footprint of the structure, which is the case for this property. Mr. Yanovitch also confirmed that if the Board finds that the standard for special permit relief or the statutory requirements for a variance are met, the Building Department will work with the Petitioner to ensure compliance with imposed conditions and building codes.

Board Deliberation

Board Chairman Zuroff stated that he has objected to the *Gale v. Zoning Board of Appeals of Gloucester (2011)* in the past when discussing the alteration of pre-existing non-conforming structures. Mr. Zuroff acknowledged that the Deadrick case, as referenced by Attorney Allen further solidified case law on this matter creating a “rising tide” on this particular matter. Mr. Zuroff believed that referenced case law does apply in this matter leaving the Board with a determination of substantial detriment rather than a zoning variance. Mr. Zuroff believed that the Petitioner’s argument is sufficient under court law. Mr. Zuroff also cautioned the Petitioner to complete his zoning due diligence prior to demolishing any structural elements.

Board Member Poverman believed that the Deadrick case precedent is applicable because the Petitioner is proposing to expand the pre-existing non-conforming FAR but is not triggering any new zoning non-conformities by reconstructing the second story. Ms. Poverman agreed that the prior demolition does create a wrinkle in this interpretation but she believed the project to be worthy of a Section 6 finding and subsequent zoning relief.

Board Member Liss concurred with both Mr. Zuroff’s and Ms. Poverman’s comments. Mr. Liss also agreed that the second story, as proposed, will not result in any substantial detriment to abutting residents. Mr. Liss also believed that the massing of the structure is not inconsistent with area single-family homes.

Unanimous Board finding that M.G.L c. 40A, Section 6 is applicable and unanimous Board grant of requested special permit relief, subject to conditions previously stated for the record.

384 Harvard Street (Congregation Kehillath Israel) – Construct a side addition on an existing temple

Board Chairman Zuroff called case #2015-0054 and reviewed standard hearing procedure. Mr. Zuroff also stated that the proposal before the Board requires limited zoning relief for dimensional requirements and is before the Board primarily for design review related zoning relief. For this

reason, Mr. Zuroff requested that the Petitioner focus details of the presentation on these matters specifically.

The Petitioner's Attorney Robert Allen waived the reading of public hearing notice for the record and introduced project architect John Garrahan and landscape architect Joe Geller. Attorney Allen stated that Temple Kehillath Israel was constructed in 1917 and is approaching its centennial anniversary. Attorney Allen stated that the congregation has made an effort to restore this important structure and provide necessary modernization and repair. Attorney Allen also stated that the Petitioner is requesting that the Board find that M.G.L c.40A (Dover Amendment) is applicable in this matter, providing protection from undue local zoning requirements. Attorney Allen confirmed that if the Board does indeed make a finding under the Dover Amendment, no special permit relief is required to proceed.

Joe Geller of Stantec Inc. reviewed project goals including the creation of a "multi-generational campus", improved site accessibility and circulation, overall structural renovation, improved interior functionality, and improved site security. Mr. Geller stated that the new wing (north) will be curved in order to complement a restored memorial garden. Mr. Geller confirmed that several "declining" trees will be removed and new plantings in this area will be installed. Mr. Geller concluded his comments by reviewing compliance with all setback and floor area requirements. Mr. Geller reiterated that zoning relief is only required for design review because proposed alterations/addition will be visible from Harvard Street (major public thoroughfare).

Project Architect John Garrahan commended the Petitioner for engaging in a "noble" and "challenging" project. Mr. Garrahan stated that a clear effort was made to create an efficient and accessible campus that also restores the grandeur of the property. Mr. Garrahan stated that the primary structure was built in the 1920's and therefore presents various grade changes and ADA compliance issues. Mr. Garrahan confirmed that the Petitioner also filed with the Architectural Access Board to gain relief for some aspects of the project that cannot comply with modern requirements, including the sanctuary balcony. Mr. Garrahan stated that new and reconfigured floor area will be used to house administration services, childcare/education activities, and a catering kitchen. Mr. Garrahan confirmed that existing meeting and sanctuary space will be restored as part of this overall renovation. Mr. Garrahan stated that the proposed addition will be constructed of glass cast stone to match the existing structure and glass. Mr. Garrahan stated that various plantings will also be installed along the Harvard Street lot line and the Petitioner will continue to work with Town Boards and officials to rework the effectiveness of the new front entry.

Attorney Allen reiterated to the Board that he believes this proposal to be an "as-of-right" project. Attorney Allen stated that clear case law exists that supports his request to apply Dover Amendment protection. Attorney Allen also stated that federal RLUIPA (Religious Land Use and Institutionalized Persons Act) provisions also protect this religious and education facility from undue local land use regulations. Attorney Allen stated that applicable local regulations include bulk and massing, which the proposal before the Board complies with. Attorney Allen stated that relevant case law defines unreasonable regulations as those that, if applied, would detract from the

usefulness of the property without clearly advancing a municipalities concerns relating to safety, traffic, etc.

Attorney Allen stated that this entire proposal is aimed to enhance the religious use and functionality of the structure. Attorney Allen characterized the Petitioner's design review process with the Planning Board and later the Preservation Commission as voluntary based on Dover Amendment provisions. Attorney Allen also cited *Mintz v. Roman Catholic Bishop of Springfield (2006)* in which the United States District court of Massachusetts found that a municipality may not place the burden of unreasonable regulations, including design elements, if no compelling government interest is enhanced as a result of the imposed regulations.

Attorney Allen also stated that the local Building Commissioner has the authority to determine if Dover Amendment regulations are applicable but this determination is often sent to the Board of Appeals in Brookline for the sake of transparency and thorough public review. Attorney Allen concluded his comments by again requesting that the Board find that no special permit zoning relief is required based on applicable Dover Amendment provisions.

Board Member Poverman question how a Board finding regarding the applicability of the Dover Amendment may impact future property alterations beyond this proposal. Attorney Allen stated that this Board finding would not carry over to future proposals for the subject property. Attorney Allen confirmed that the Petitioner has considered future residential development. If this potential future work is to come before the Board an additional Board finding regarding the applicability of the Dover Amendment must be made and the Petitioner would be required to establish a clear connection between residential and religions/educational uses. Attorney Allen stated that this particular Board finding would not "carry weight" if future proposals for the site come before this Board.

The Board had no further questions and Chairman Zuroff called for public comment in favor of, or in opposition to the Petitioner's proposal.

Jesse Geller stated that he is the Chairman of the Zoning Board of Appeals. Mr. Geller stated that he wished to speak in favor of the proposal and confirmed with Town Counsel that this position does not constitute a conflict of interest due to his position on the Board. Mr. Geller stated that his son attends school at the temple and this service contributes to the viability of the property as a whole. Mr. Geller agreed that the current condition and configuration of the structure is not adequate and the proposal before the Board represents a vast improvement. Mr. Geller also stated that the temple, and the services it provides, is an anchor for the community and he requested that the Board support the Petitioner's proposal.

Norman Levinson stated that he has been a member of Congregation Kehillath Israel since the 1950's and he supported Mr. Geller's comments. Mr. Levinson stated that his family is highly involved in a variety of services provided by the congregation. Mr. Levinson believed the proposed improvements to be an upgrade to the structure and the "fiber of the Jewish community". Mr. Levinson also believed that proposed renovations will bring the temple into the next century. Mr.

Levinson also believed that renovation work will also improve the wider Coolidge Corner/JFK Crossing area.

David Williams stated that he is a member of the Congregation Kehillath Israel board and has been a member of the congregation for the past 15 years. Mr. Williams stated support for the proposed site improvements and commended the Petitioner for designing a project that is conscious of the historic nature of the Temple/neighborhood and also aims to modernize the facility for effective use through the 21st century.

Dan Friedman of 24 Blake Road stated that his family has participated in education services provided by the congregation and he believed that the current condition of the property does not represent the warmth of the community. Mr. Friedman urged the Board to support these necessary property improvements.

Board Chair Zuroff requested that Assistant Director for Regulatory Planning Polly Selkoe review the findings of the Planning Board. Ms. Selkoe stated that the Planning Board supported the design and layout of the proposed addition. Ms. Selkoe also confirmed that case law prevents a municipality from utilizing design review to prevent a religious use. Ms. Selkoe also noted that the temple structure is a National Register eligible property and therefore must review proposed alterations, specifically the removal of character defining features, with the Preservation Commission. Ms. Selkoe confirmed that this Preservation Commission review has not occurred and therefore she recommended minor modification of proposed special permit conditions. Ms. Selkoe stated that the Planning Board recommended approval of the architectural plans and site plan by Handlin, Garrahan, & Associates, registered architects, dated July 16, 2015, subject to the following revised conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan including landscaping, floor plans and elevations stamped and signed by a registered architect, subject to the review and approval of the Assistant Director for Regulatory Planning and the Preservation Commission.
2. Prior to the issuance of a Building Permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan including landscaping, floor plans and elevations stamped and signed by a registered architect; 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Zuroff requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department also has no objection to the relief as requested. Mr. Yanovitch believed that the applicability of Dover Amendment protection is compelling and agreed that religious institution design features cannot be dictated by a municipality as supported by *Martin v. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (2001)* in which the Belmont Board of Appeals approval of a steeple spire height was upheld. Mr. Yanovitch also stated that it is common for zoning and preservation review to proceed concurrently if that is the desire of the property owner. Mr. Yanovitch also

believed that the federal RLUIPA may preclude the Preservation Commission from enforcing any design related modifications to the proposal. Mr. Yanovitch ensured that if the Board does support the Petitioner's proposal, the Building Department will work with the Petitioner to ensure compliance with building codes and any imposed conditions.

Attorney Allen reiterated that the Petitioner is requesting that the Board apply Dover Amendment standards thus eliminating the need for zoning relief and any subsequent conditions. Attorney Allen stated that the Petitioner is committed to working with the Preservation Commission but they do not wish for conditions be placed on the project for the issuance of a building permit.

Board Deliberation

Board Member Avi Liss stated that he could opine on the significance and appropriateness of the proposed renovations but he believed that these issues were adequately addressed by the project team and members of the public. Mr. Liss also believed that the proposal clearly falls under the guidelines of the Dover Amendment because all proposed modifications are directly related to religious use. For this reason, Mr. Liss did not believe that special permit relief is required and therefore conditions for the grant of a building permit may not be enforced. Mr. Liss did reiterate for the record that the Petitioner intends to work with the Preservation Commission moving forward, particularly on the front stone façade portion of the addition that attaches the existing temple to the curved glass addition at the side.

Board Member Poverman also stated support for the project and noted that she is a former member of the congregation. Ms. Poverman stated that she would have preferred that the Preservation Commission opine on the appropriateness of the proposed addition prior to this hearing but acknowledged that it is the Petitioner's right to proceed through zoning and preservation review processes in the best manner that they see fit. Ms. Poverman stated that renovation work and the proposed addition are marvelous for the area and well designed for the needs of the congregation.

Board Chairman Zuroff stated that the proposed addition clearly falls under the protection of the Dover Amendment. Mr. Zuroff commended the Petitioner for an appropriate and effective design, and he also noted public support for the project. Mr. Zuroff also agreed that the Board does not have the authority to impose conditions in approving this project in accordance with Dover Amendment regulations.

Unanimous Board finding that the proposed improvements to Temple Kehillath Israel are protected under the provisions of the Dover Amendment and therefore do not require zoning relief.